

**Notic of Allowability**

Application No.

10/023,302

Examiner

Travis M Reis

Applicant(s)

GOETZ ET AL.

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**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed 10/30/03 and phone interview on 1/23/04.
2. ☒ The allowed claim(s) is/are 1-28,30-33,38 and 39.
3. ☒ The drawings filed on 20 December 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).
  - \* Certified copies not received: \_\_\_\_\_.
5. ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
  - (a) ☐ The translation of the foreign language provisional application has been received.
6. ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application. **THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

7. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
8. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No. \_\_\_\_\_.
  - (b) ☐ including changes required by the proposed drawing correction filed \_\_\_\_\_, which has been approved by the Examiner.
  - (c) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No. \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the margin according to 37 CFR 1.121(d).

9. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

- |   |   |
|---|---|
| 1 <input type="checkbox"/> Notice of References Cited (PTO-892)   | 5 <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)          |
| 2 <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 6 <input type="checkbox"/> Interview Summary (PTO-413), Paper No. _____             |
| 3 <input type="checkbox"/> Information Disclosure Statements (PTO-1449 or PTO/SB/08),<br>Paper No. _____  | 7 <input checked="" type="checkbox"/> Examiner's Amendment/Comment                  |
| 4 <input type="checkbox"/> Examiner's Comment Regarding Requirement for Deposit<br>of Biological Material | 8 <input checked="" type="checkbox"/> Examiner's Statement of Reasons for Allowance |
|   | 9 <input type="checkbox"/> Other  |

### **EXAMINER'S AMENDMENT**

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Olsen on 1/23/4.

The application has been amended as follows:

In claim 28, line 6, after "terminal;" the following text has been inserted: ---further comprising a spectrometer coupled to the light energy output terminal---

Claims 29 & 34-37 have been ---deleted---

### ***Reasons for Allowance***

2. The following is an examiner's statement of reasons for allowance:

With reference to claims 1-19 & 39, the prior art of record does not disclose or clearly suggest an inspection system for verifying package contents, the system comprising a spectrometer coupled to a light energy aggregator, in combination with the remaining limitations in the claims.

With reference to claims 20-23, the prior art of record does not disclose or clearly suggest an inspection system for monitoring a chemical composition of packaged products comprising a light energy aggregator coupled to a spectrometer in combination with the remaining limitations in the claims.

With reference to claims 24-27, the prior art of record does not disclose or clearly suggest a method for verifying the contents of a product package containing a plurality of items, the method comprising combining the reflected light signals to form a combined

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reflected light signal and directing the combined reflected light signal into a spectrometer in combination with the remaining limitations in the claims.

With reference to claims 28 & 30-33, the prior art of record does not disclose or clearly suggest an inspection head for a packaging system comprising a light energy aggregator coupled to a spectrometer, in combination with the remaining limitations in the claims.


With reference to claims 38, the prior art of record does not disclose or clearly suggest an inspection system for verifying the contents of a product package, the product package containing a plurality of times, the inspection system comprising means for combining reflectance values to produce a combined reflectance value in combination with the remaining limitations in the claims.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### **Conclusion**

3. Inquiries concerning this or earlier communications from the examiner should be directed to Travis M Reis (703) 305-4771, reachable 8--5 M--F. If the examiner is unreachable, contact the examiner's supervisor, Diego Gutierrez (703) 308-3875. The fax where this application or proceeding is assigned is (703) 872-9306. General inquiries relating to the status of this application or proceeding should be directed to the receptionist (703) 308-0956.

Travis M Reis  
Examiner  
Art Unit 2859



Diego Gutierrez  
Supervisory Patent Examiner  
Technology Center 2800

tmr  
January 23, 2004

**CHRISTOPHER W. FULTON**  
**PRIMARY EXAMINER**